

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:19-cr-00010-MR-WCM-3

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) ORDER
)
JOSE ENCISO ESPINO,)
)
 Defendant.)
)

)

THIS MATTER is before the Court on the Defendant's Motion to Seal Addendum to Position Re: Sentencing; Exhibits [Doc. 52].

The Defendant, through counsel, moves the Court for leave to file an Addendum [Doc. 53] under seal in this case. For grounds, counsel states that the addendum contains detailed sensitive information. [Doc. 52].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives."

Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). In the present

case, the public has been provided with adequate notice and an opportunity to object to the Defendant's motion. The Defendant filed his motion on September 19, 2019, and it has been accessible to the public through the Court's electronic case filing system since that time. Further, the Defendant has demonstrated that the memorandum contains sensitive information concerning the Defendant and that the public's right of access to such information is substantially outweighed by the Defendant's competing interest in protecting the details of such information. See United States v. Harris, 890 F.3d 480, 492 (4th Cir. 2018). Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the Addendum is necessary to protect the Defendant's privacy interests.

Upon review of the Defendant's Addendum, the Court finds that the Addendum contains case material and information of the nature that is ordinarily sealed and appropriate to be shielded from public access. See United States v. Harris, 890 F.3d at 492.

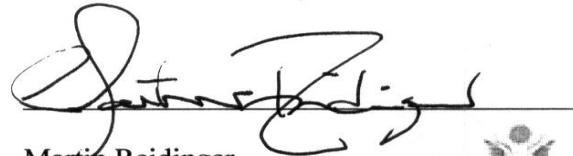
Accordingly, the Defendant's Motion to Seal is granted, and counsel shall be permitted to file an Addendum under seal.

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Seal Addendum to Position Re: Sentencing; Exhibits [Doc. 52] is **GRANTED**, and

the Defendant's Addendum [Doc. 53] shall be filed under seal and shall remain under seal until further Order of the Court.

IT IS SO ORDERED.

Signed: September 27, 2019



Martin Reidinger
United States District Judge

